



**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097**

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IN REPLY REFER TO:

February 23, 2012

**H.B. 2760, H.D.1
RELATING TO TRAFFIC SAFETY**

HOUSE COMMITTEE ON JUDICIARY

The Department of Transportation supports House Bill No. 2760, House Draft 1 as it addresses our safety concerns. However, we would favor the passage of its companion Senate Bill 2045 and respectfully recommend that House Bill 2760, HD1 be replaced by the contents of House Bill 2355, House Draft 1 as its title (Relating to Traffic Safety) is befitting to establish a comprehensive distracted driving law that would prohibit the use of mobile electronic devices by drivers operating a motor vehicle on the roadway in this state.

Each county has enacted a mobile electronic device ordinance. We are requesting the adoption of the county ordinance into a state law that addresses the concerns of distracted driving proposed by the National Traffic Safety Board (NTSB), National Highway Safety Traffic Administration (NHTSA) and the Governors Highway Safety Association (GHSA). NTSB, NHTSA and GHSA recommend that all states adopt laws on mobile electronic devices to save lives on the nation's roadway. The passage of the proposed amendment will not only save lives but may make the state eligible for an incentive federal grant with a incentive highway safety bill that is going through the US Congress presently.

The proposed amendment of the county ordinances is the same and would address each county's concern. There was a coordinated effort by police and prosecutors to pass a comprehensive mobile electronic device ordinance that would be all encompassing and address those organizations which had concerns. For the past 2-3 years, these ordinances have withstood the enforcement and prosecution of these

ordinances. Although crash reports do not support the problem of distracted driving, we are confident that such a law is necessary on the state level to save lives and injuries on Hawaii's roadways. In a 2010 summer seat belt survey, cell phone usage is also observed in the state. This survey indicated that of the 43,577 drivers observed, 733 drivers were observed using cell phones while driving. This represented 1.68 percent of drivers. These surveys showed a sharp decline of usage from when the first cell phone ordinance was enacted in Honolulu in 2009 when it recorded a 2.11 percent usage to a 1.68 percent usage in 2010. Although there is a lack of information regarding the crash statistics, we are confident that the mobile electronic device law has prevented further crashes and has saved lives and injuries.

The Department of Transportation strongly urges for your support in passing HB2760, HD1 with the proposed amendment that will address traffic safety to save lives and injuries in Hawaii.

Thank you for the opportunity to provide testimony.



Maui Bicycle Alliance

Keeping Maui on the Right Path!

DATE: February 22, 2012

TO: Representative Gilbert SC Keith-Agaran, Chair
Representative Karl Rhodes, Vice Chair
House Judiciary Committee Members

FROM: Walter Enomoto, President, Maui Bicycle Alliance

SUBJECT: Support for HB2760 HD1, RELATING TO TRAFFIC SAFETY

Aloha Committee Chair Keith-Agaran, Vice Chair Rhodes and Judiciary Committee members,

We respectfully ask that you support House Bill 2760 HD1 - RELATING TO TRAFFIC SAFETY

The Maui Bicycle Alliance is a grassroots bicycling advocacy organization committed to improving conditions for bicycling in Maui County. We promote bicycling and advocate bicycle use in Maui County for health, recreation, sport and transportation purposes.

Our main concern with this bill originally is that mopeds would be banned from bike paths.

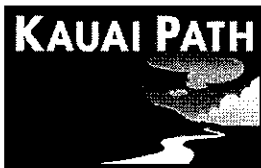
We were happily surprised that the TRN Committee discussed and revised this bill to include bike lanes as these types of facilities do not allow for easy passing of a moped around a bicyclist.

Because of the speed differential between these two types of vehicles, a cyclist can be easily startled by a moped coming up from behind. This could lead to a reaction that could cause both operators to collide. Because bike lanes are also limited in width to 4-5 ft, there is not much room to maneuver within the lanes.

Many times, mopeds can easily keep up with the vehicular traffic speed and are better suited to operate this way.

We feel that the members of the House Judiciary Committee can improve the safety and functionality of our current and future bicycle facilities by banning the use of mopeds now.

Thank you for the opportunity to testify on this measure and thank the Chair, Vice Chair and Judiciary Committee Members for hearing our concerns and supporting this revised bill.



P. O. Box 81 :: Lihue, HI 96766
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news@kauaipath.org

COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee Members

HEARING DATE: Thursday, February 23, 2012
TIME: 2:00 pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI 96813

TESTIMONY SUPPORTING HB 2760 HD1

RELATING TO TRAFFIC SAFETY—Restricts the use of motorized vehicles upon a bicycle path.

Aloha Chair Keith-Agaran, Vice Chair Rhoads, and Committee on Judiciary Members,

Kauai Path, Inc. is a 501 (c) 3 advocacy organization committed to improving conditions for walking and bicycling on Kauai. We promote the integration of multi-use paths—often referred to as bicycle or bike paths—into Kauai's daily routines to further health, recreation, community building, and active transportation.

We support the banning of any moped—or any powered vehicle such as motorized bicycles—using any multi-use path at any time. **We SUPPORT HB 2760 HD1 as this measure would clearly prohibit mopeds from legally driving on multi-use paths (or bicycle paths) under any conditions.**

Mopeds and motorized bicycles do not belong on multi-use paths, which are managed by our County as linear parks. Multi-use paths are properly used as a safe refuge from motor vehicle dominated spaces by youngsters on their bicycles with training wheels, people pushing baby carriages or walking their dogs, runners, joggers, and roller skaters in addition to cyclists. These are the intended tranquil activities for linear parks. Allowing mopeds on these paths would destroy that safety and tranquility.

Respectfully submitted,

Sally Jo Manea, president, Kauai Path, Inc. Board of Directors

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-vehicular paths.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White

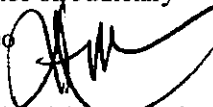


Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

February 22, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Danny A. Mateo
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 23, 2012; TESTIMONY OFFERING COMMENTS ON
HB 2760, HD 1, RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify and offer comments on this important measure. The purpose of this measure is to prohibit the use of mopeds on bicycle lanes and bicycle paths.

HB 2760, HD1, has a similar purpose to HB 1759, which is included in Maui County's Legislative Package; however, the Maui County Council has not had the opportunity to take a formal position on HB 2760, HD1. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support legislation to protect the safety of pedestrians and bicyclists on bicycle paths, however I continue to prefer HB 1759. HB 2760, HD1, would prohibit all moped use on bicycle lanes and bicycle paths. Such a strict prohibition fails to take into consideration the dangers to moped drivers and other motorists that arise when mopeds are operated in the regular flow of vehicular traffic.

HB 1759 is a logical compromise between current law, which allows moped use on bicycle lanes or bicycle paths, and the outright ban on all moped use on bicycle lanes and bicycle paths proposed by HB 2760, HD1. The purpose of HB 1759 is to prohibit moped drivers from using bicycle paths wherever bicycle lanes are provided. This makes sense because a bicycle path, unlike a bicycle lane, is physically separate from the roadway. Whenever a moped user has the option of using a bicycle lane, they should be required to do so, leaving the bicycle path free for the exclusive use by pedestrians and bicyclists. Completely banning moped use from bicycle lanes and bicycle paths would create other safety hazards that have not been addressed in HB 2760, HD1.

Thank you for the opportunity to submit these comments on this measure.

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February 22, 2012

TO: Honorable Gilbert S. C. Keith-Agaran, Chair
House Committee on Judiciary

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

DATE: Thursday, February 23, 2012

SUBJECT: **OFFERING COMMENTS ON HB 2760 H.D. 1, RELATING TO TRAFFIC
SAFETY**

I support the position of Maui County Council Chair HB 2760 HD1 for the reasons cited in testimony submitted February 22, 2012, and urge you to support his preference for HB1759, which is part of the Maui County Legislative package.

Testimony for HB2760 on 2/23/2012 2:00:00 PM

Testimony for HB2760 on 2/23/2012 2:00:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, February 22, 2012 1:39 PM

To: JUDtestimony

Cc: don.couch@mauicounty.us

Testimony for JUD 2/23/2012 2:00:00 PM HB2760

Conference room: 325

Testifier position: Support

Testifier will be present: No

Submitted by: Councilmember Don Couch

Organization: Individual

E-mail: don.couch@mauicounty.us

Submitted on: 2/22/2012

Comments:

TO: Members of the Committee on Judiciary

FROM: Natalie Iwasa, aka Bike Mom
Honolulu, HI 96825
808-395-3233

HEARING: 2 p.m. Thursday, February 23, 2012

SUBJECT: HB 2760 Traffic Safety – No Mopeds in Bike Paths (SUPPORT)

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on HB 2760 which would prohibit mopeds from using bike paths and bike lanes with a few exceptions. I fully support this measure and appreciate the changes made to the bill by the transportation committee.

Bike paths are often also used by pedestrians, skateboarders and other users who appreciate the fact that the paths are separate from roadways. Sometimes these paths are narrow, such as the Malaekahana Bike Path in Laie, which is eight feet wide, and the new path behind the Alapai Transit Station, which is ten feet wide. Neither of these paths meets federal guidelines for width based on the expected usage, although it is noted that the path in Laie is on private property.¹

Motorized vehicles should not be allowed on these paths because of the conflict they create with those going much slower. Moped drivers also have difficulty passing bicyclists in bike lanes during heavy traffic. I therefore support the change to remove the requirement for moped drivers to use bike lanes.

Please vote "yes."

¹ According to the U.S. Department of Transportation, Federal Highway Administration, shared use paths should be ten feet wide with two feet of graded area on each side of the path. (A minimum of eight feet may be used when paths have limited use.) When usage of the path is expected to be heavy, however, such as in the downtown area, the recommended width is 12 to 14 feet with 2 feet of graded area on each side. The guidelines are available at <http://www.fhwa.dot.gov/environment/sidewalk2/sidewalks214.htm>.